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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,340	06/25/2003	David Wayne Gregg	64245	2643

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EXAMINER

ADDIE, RAYMOND W

ART UNIT	PAPER NUMBER
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3671

DATE MAILED: 06/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/603,340	Applicant(s) GREGG, DAVID WAYNE	
	Examiner Raymond W. Addie	Art Unit 3671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6,7,9-17,19-27,29-34 and 49-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,6,7,9-17,19-27,29-34 and 49-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____. | 6) <input type="checkbox"/> Other: _____. |

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 6, 7, 9, 10, 12-17, 19, 20, 22-27, 29, 31-34, 49-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dori # 5,896,929 in view of Sloan # 1,955,101.

Dori discloses a stamping apparatus, capable of being used to form an impression in granular material, such as sand, concrete and the like. The stamper comprising:

A roller (20), including a patterned and textured surface (26) defined by a stamp material (24).

A receiver portion (22) for receiving the roller in rotatable engagement, the receiver portion including a member (22) including oppositely disposed ends configured for receiving the roller in a rotational engagement.

A handle (unnumbered) in communication with the receiver portion. See Col. 2; Fig. 1.

What Dori does not disclose is providing the stamping apparatus with weights to increase the compaction force generated by the roller drum.

However, Sloan teaches it is desirable to provide concrete compaction devices with removable weights (15) for weighting the roller.

The weight receiving assembly (19) including a member (17) including oppositely disposed ends, each end including a holder (18) for holding weighted members (15) for weighting the roller along the receiver assembly (17, 19).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to provide the compaction roller of Dori, with a removable weight-receiving assembly, as taught by Sloan, in order to adjust the compaction force generated by the device, "to the character or hardness of the surface under treatment". See Sloan. Cols. 2-3; Figs. 1-2.

In regards to claims 6, 7, 9, 16, 17, 19, 49-53 Dori discloses the member (22) includes oppositely disposed ends including: A pair of cross-bars disposed between a handle portion and a pair of lateral members, that are in communication with an end of the cross-bars. The cross bar further extending at least substantially in the direction defined by a longitudinal axis extending through the roller.

What Dori does not disclose is the use of posts to secure removable weights to the stamper. However, Sloan teaches it is known to secure weights (15) to a weight receiving member (17) of a compaction device; the receiving member including a pair of posts (18), one at each longitudinal end of the receiving member (17), to removably secure weights (15) to the compaction device. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to provide the

compaction roller of Dori, with a removable weight-receiving assembly, as taught by Sloan, in order to adjust the compaction force generated by the device, "to the character or hardness of the surface under treatment" . See Sloan. Cols. 2-3; Figs. 1-2.

In regards to claims 10, 20 Dori discloses the stamp includes a layer of material (26) of unknown composition. See Col. 2.

In regards to claims 2-4, 13-15 Dori discloses providing the stamp with both a pattern (the rectangular border) and a texture (the indicia) on the surface (24) of the roller (20).

In regards to claims 31-34 Dori discloses a method for stamping granular material comprising:

Providing a stamping apparatus comprising: A roller (20) including a stamping surface (24) defined by a stamping material (26); a receiver portion (22) for receiving the roller (20) in rotatable engagement, the receiver portion including opposing ends.

Moving the apparatus over the surface being worked for impressing an image and texture in accordance with the stamp.

What Dori does not disclose is the step of weighting the receiver portion with removable weights. However, Sloan teaches a method of weighting a compaction device with removable weights (15) mounted on a cross member (17) having opposing ends and at

least one holder (18) such as a threaded post, disposed at the opposing ends of the receiver portion (17), for adding weight to each end of the receiver portion.

The method comprising the steps:

Adjusting the weight on the receiver portion, including weighting at least one of the oppositely disposed ends of the receiver portion.

Removing weight from at least one of the oppositely disposed ends of the receiver portion.

Not removing and not adding weight to the receiver portion.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to provide the method of compacting a surface of Dori, with the method of weighting a compaction device, as taught by Sloan, in order to impress an image into a surface, with respect to the hardness of the material being impressed. See Dori Cols. 2-4; Sloan Cols. 1-3.

2. Claims 11, 21, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dori # 5,896,929 in view of Sloan # 1,955,101 as applied to claims 10, 20, 22 above, and further in view of Brimo # 4,776,723.

Dori in view of Sloan discloses a weighted compaction roller having a stamp, for impressing an image on soft, compliant materials, such as sand and concrete. Dari explicitly discloses "the apparatus of the invention is available for displaying visual

messages (28) in compliant ground found at a variety of locations... Such as... race tracks". What Dori in view of Sloan does not disclose is using a stamping device having a layer of urethane rubber. However, Brimo teaches a concrete stamping tool is advantageously provided with pattern forming devices (52) and texture forming faces (56) such that a concrete surface can be stamped with both a repeatable pattern, such as herringbone and textured faces. Said stamping tool being made from a urethane rubber material that is relatively hard and flexible. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to provide the concrete stamping machine of Dori in view of Sloan with a urethane-rubber stamp, as taught by Brimo, in order to form various patterns, textures and combination of patterns and textures. See Brimo Col. 4, ln. 15-col. 6, ln. 21.

Response to Arguments

3. Applicant's arguments with respect to claims 1-4, 6, 7, 9-17, 19-27, 29-34 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Thrower # 5,480,259 discloses a concrete compaction drum. Uebel # 4,184,787 discloses a compacting device for soil and concrete. Ashmore et al. # 1,302,275 discloses a roller for finishing cement.

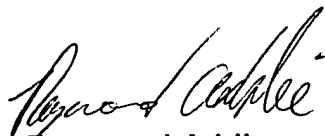
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Baily et al. # 2,025,703 discloses a roller assembly for finishing concrete. Maurer # 519,919 discloses a roller for impressing pavements.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond Addie whose telephone number is (571) 272-6986. The examiner can normally be reached on Monday-Saturday from 7:00 am to 2:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached on (571) 272-6998.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Raymond Addie
Patent Examiner
Group 3600

RWA
6/16/2005